

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. (Currently Amended) A mortarboard for retaining and carrying mortar, the mortarboard comprising:

a substantially flat piece of material defining ~~[[a]]~~an upper holding surface area, the holding surface area being continuously contoured in a dished-out manner to facilitate the retention and carrying of mortar,

~~wherein the mortarboard has an outermost thickness dimension w and a central most portion of the dished-out surface, and the central most portion is recessed~~dished-out holding surface area has a lowermost portion that has a maximum depth of less than about 3 inches from the outermost thickness dimension w.

2. (Original) The mortarboard according to claim 1, further including a carrying handle.
3. (Original) The mortarboard according to claim 2, wherein the material defines a cut-out area portion configured to form the handle.
4. (Currently Amended) The mortarboard according to claim 1, wherein the ~~central most~~lowermost portion of the dished-out surface is recessed less than about 1 inch ~~from the outermost thickness dimension w of the mortarboard.~~

5. (Currently Amended) The mortarboard according to claim 4, wherein the ~~central~~ most lowermost portion of the holding surface area is recessed less than about 0.5 inches ~~from the outermost thickness dimension w of the mortarboard.~~

6. (Currently Amended) The mortarboard according to claim 5, wherein the ~~central~~ most lowermost portion of the holding surface area is recessed less than about 0.375 ~~inches from the outermost thickness dimension w of the mortarboard.~~

7. (Original) The mortarboard according to claim 1, wherein the material includes two side edges and a bottom edge, and the holding surface area extends to the side and bottom edges of the material.

8. (Original) The mortarboard according to claim 7, further including a carrying handle.

9. (Original) The mortarboard according to claim 8, wherein the material defines a cut-out area portion configured to form the handle.

10. (Original) The mortarboard according to claim 1, wherein the material includes two side edges and a bottom edge, and the holding surface area is separated from the side and bottom edges of the material by raised peripheral lip portions.

11. (Original) The mortarboard according to claim 10, wherein the holding surface area that is adjacent to the raised peripheral lip portions is recessed from the peripheral lip portions by less than about 0.5 inches.

12. (Original) The mortarboard according to claim 1, wherein the material includes a bottom surface that has supporting ribs formed integrally with the material.
13. (Original) The mortarboard according to claim 1, wherein the material includes a bottom surface that is configured to accommodate a support stand.
14. (Original) The mortarboard according to claim 1, wherein the mortarboard is formed from a polymer material.
15. (Currently Amended) The mortarboard according to claim 1, wherein at least ~~[[an]]~~the upper surface of the holding surface area is formed from a polymer material.
16. (Currently Amended) The mortarboard according to claim 1, wherein the mortarboard has an outermost thickness ~~dimension w~~that is less than about 1 inch.
17. (Original) The mortarboard according to claim 1, wherein the mortarboard is substantially rectangular in shape.
18. (Original) The mortarboard according to claim 1, wherein the material is configured so that a front and a rear surface of the material will nest together when more than one mortarboards are stacked together.

19. (Currently Amended) A mortarboard for retaining and carrying mortar, the mortarboard comprising:

a generally flat piece of material defining ~~[[a]]~~an upper holding surface area configured to retain and carry mortar; and

wherein the material defines a cut-out area portion extending through said material configured to form a carrying handle.

20. (Currently Amended) The mortarboard according to claim 19, wherein the upper holding surface area is substantially flat.

21. (Original) The mortarboard according to claim 19, wherein the material includes two side edges and a bottom edge, and the holding surface area is separated from the side and bottom edges of the mortarboard by raised peripheral lip portions.

22. (Previously Presented) The mortarboard according to claim 21, wherein the holding surface area that is adjacent to the raised peripheral lip portions is recessed from the peripheral lip portions by less than about 0.5 inches.

23. (Previously Presented) The mortarboard according to claim 19, wherein the material includes a bottom surface that has supporting ribs formed integrally with the material.

24. (Previously Presented) The mortarboard according to claim 19, wherein the mortarboard is formed from a polymer material.

25. (Currently Amended) The mortarboard according to claim 19, wherein at least ~~[[an]]~~the upper surface of the holding surface area is formed from a polymer material.

26. (Previously Presented) The mortarboard according to claim 19, wherein the mortarboard has an outermost thickness that is less than about 1 inch.

27. (Previously Presented) The mortarboard according to claim 19, wherein the mortarboard is substantially rectangular in shape.

28. (Currently Amended) The mortarboard according to claim 19, wherein the material is configured so that a front and a rear surface of the material will nest together with other mortarboards of like construction when more than one mortarboards are stacked together.

Summary of Telephone Interview with Examiner:

Applicant's undersigned attorney Charles Golla would like to thank the Examiner for the telephone interview conducted between Examiner Esther Okezie and Charles Golla on January 30, 2006, briefly summarized below.

A. Applicant's attorney explained the general nature of applicant's invention and the functional advantages that a contoured or recessed upper surface of the mortarboard, offers to masons and contractors using applicant's mortarboard.

B. Applicant's attorney explained the reasons as to why the Hobel et al. publication (2004/0150236 A1) cited by the Examiner, does not disclose or teach those features of applicant's invention recited in independent claims 1 and 19. In particular, the non-applicability of Figure 1(c) of the Hobel reference was discussed in some detail, as more fully described herein in the Remarks section of this paper.

C. The Examiner expressed her confusion as to the language of those claims (primarily of claim 1) that refer to the mortarboard material thickness dimension "w" when describing the depth of the dishd-out portion of the mortarboard material. Applicant's attorney expressed his surprise at the apparent continued rejection under 35 U.S.C. §112, since he thought that this issue had been fully resolved by applicant's last response that was filed on August 8, 2005, and since no mention of continued rejection under 35 U.S.C. §112 was made in the most recent November 5 Office Action. However, in an attempt to put the 35 U.S.C. §112 issue to rest, applicant's attorney offered to remove the thickness reference character "w" language from the claims and to clarify the claim language by the amended claim 1 language as presented herein. The Examiner agreed that such amended language would satisfy her previous concerns under 35 U.S.C. §112, and to remove the §112 rejection.

D. Applicant explained what was intended by the terminology "cut-out" as used in the claims when referring to a carrying handle formed in the mortarboard material. The Examiner equated such "cut-out" language to an "aperture" formed in the material.

E. The Examiner agreed to reconsider applicant's amended claims in view of the discussions that took place during the interview.